

**ORDINANCE NO. 08-70**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 18 ENTITLED "BUSINESSES", ARTICLE VI. PEDDLERS, SOLICITORS, ITINERANT VENDORS, DIVISION 2. PEDDLERS, ITINERANT VENDORS, OF THE CODE OF ORDINANCES, PARTICULARLY, BY REVISING HIALEAH CODE § 18-309 ENTITLED "SALE OF FIREWORKS FROM TENTS" TO ALLOW SALE OF FIREWORKS FROM TENTS TWO WEEKS IMMEDIATELY PRIOR TO NEW YEAR'S DAY IN ADDITION TO TWO WEEKS IMMEDIATELY PRIOR TO JULY 4<sup>TH</sup> AND TO ALLOW HOUSES OF WORSHIP TO SELL FIREWORKS FROM TENTS DURING THE SAME TIME PERIOD FROM THEIR PREMISES FOR FUNDRAISING ACTIVITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the specific purpose and intent of this ordinance is to allow houses of worship to sell fireworks from tents on the premises for fundraising activities and to expand the time for selling fireworks from tents to a two-week period immediately preceding New Year's Day in addition to the two-week period immediately preceding July 4 that is already allowed.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 18 entitled " Businesses", Article VI. Peddlers, Solicitors, Itinerant Vendors, Division 2. Peddlers, Itinerant Vendors, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 18-309 entitled "Sale of fireworks from tents", to read as follows:

Chapter 18

**BUSINESSES**

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**ARTICLE VI. PEDDLERS, SOLICITORS,  
ITINERANT VENDORS**

\* \* \*

**DIVISION 2. PEDDLERS, ITINERANT VENDORS**

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**Sec. 18-309. Sale of fireworks from tents.**

(a) Peddlers and/or itinerant vendors will be permitted to sell fireworks from tents that are located on commercially and/or industrially zoned properties for the two-week period immediately preceding the Fourth of July or two-week period immediately preceding New Year's Day (January 1<sup>st</sup>), but only when the following criteria have been met:

(1) A regulatory license has been issued by the licensing section, following a determination by the city that the applicant meets the requirements for issuance of a license, including the following:

- a. Proof of insurance;
- b. Certification by the city fire marshal as to the appropriateness of the proposed location;
- c. Written authorization from the property owner permitting the applicant to so utilize the property; and
- d. Production to the city for a state license; and

(2) The city license shall be prominently displayed once the tent is erected and prior to the sale of any fireworks.

(b) Peddlers and/or itinerant vendors shall pay a regulatory fee of \$100.00 at the time of application for the issuance of each license.

(c) Houses of worship may sell fireworks from tents on the premises as a fundraising activity; provided, however, that all the requirements of this section are met.

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**Section 2:     Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3:     Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4:     Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

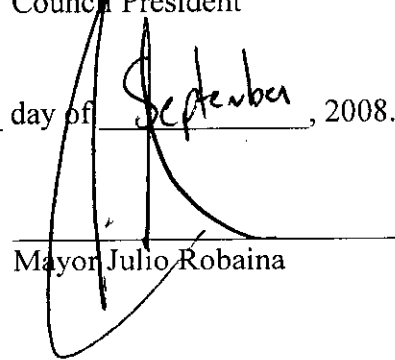
PASSED and ADOPTED this 9th day of September, 2008.

  
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Esteban Bovo  
Council President

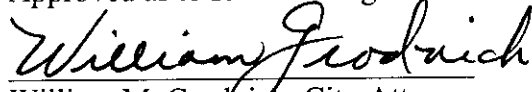
Attest:

Approved on this 10 day of September, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
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William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.